REMARKS

Claims 49-81 and 83-111 are pending in the present application. Reconsideration of the pending claims is respectfully requested for the reasons discussed below.

In the non-final rejection mailed January 24, 2006, the Examiner rejected claims 49 and 92 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner is not clear on what Applicant means by "corn starch components" as used in claims 49 and 92. Applicants traverse this rejection, but have amended the claims to replace "corn starch components" with "a corn starch component." Applicants submit that the meaning of "a corn starch component" is discernable from the specification, as found on pages 2, 7, and 8 of the application, in particular paragraph 0004, which states that the prior art "require the use of cornstarch, especially modified cornstarch, which has been chemically crosslinked", and paragraph 0015, which states that the coating composition of the present invention imparts crispiness "regardless of whether or not any cornstarch is present." Accordingly, Applications respectfully submit that presently pending claims 49 and 92 are not indefinite.

The Examiner has also rejected claims 49-51, 53-57, 61-63, 78-81, 83-85, 88-94, 101-103 and 111 under 35 U.S.C. 102(b) as being anticipated by WO 94/21143 to Baur et al. The Examiner stated that the '143 reference discloses rice or corn flour in the amount of 2-50% and dextrin in the amount of about 2-20%. The Examiner also concluded that "[t]he amounts of rice flour and dextrin falls within the ranges claimed; thus, the ratio also falls within the ranges claimed."

Applicants respectfully submit that in order to anticipate the pending claimed range, the claimed subject matter "must be disclosed in the reference with sufficient specificity to constitute an anticipation under the statute." MPEP §2131.03 (emphasis added); see also *Atofina v. Great Lakes Chem. Corp.*, 441 F.3d 991 (Fed. Cir. 2006). Earlier this year, in *Atofina*, the Federal Circuit considered whether a patent directed to a method of synthesizing difluoromethane through a gas phase fluorination in the presence of oxygen and a catalyst within a particular temperature range was anticipated by the broad disclosure of a Japanese reference. *Atofina*, 441 F.3d at 998-999. The Court stated that "[i]t is well established that the disclosure of a genus in the prior art is not necessarily a disclosure of every species that is a member of the genus." *Id.* at 999. The Court ultimately held that a disclosure of a temperature range of 100 to 500 °C did not anticipate a claim limitation of a temperature range of 330 to 450 °C, even though the disclosure "is broader than and fully encompasses the specific temperature range claim" of the claimed invention. *Id.* at 999. The Court also held that the disclosure of a 0.001 to 1.0 percent molar ratio range in the prior art did not anticipate the claimed range of 0.1 to 5.0 percent molar ratio since "no reasonable fact finder could determine that this overlap describes the entire claimed range with sufficient specificity to anticipate this limitation of the claim." *Id.* at 1000.

In this case, like *Atofina*, the cited reference does not disclose the claimed subject matter, let alone the claimed subject matter with sufficient specificity to constitute anticipation. Applicants respectfully submit that, although the total amounts of rice flour to dextrin in the '143 reference may overlap the total amounts of rice component to dextrin component in the pending claims, the '143 reference does not indicate with sufficient specificity the critical ratio